

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeremy Pinson,

Case No. 18-CV-1663 (NEB/DTS)

Plaintiff,

v.

ORDER ACCEPTING
REPORT AND RECOMMENDATION

Kara Lundy, et al.,

Defendants.

The Court has received the April 8, 2019 Report and Recommendation of United States Magistrate Judge David T. Schultz. [ECF No. 48 (“R&R”).] The R&R recommends dismissing the action without prejudice for failure to prosecute because Plaintiff Jeremy Pinson failed to pay the civil filing fee despite ample opportunity to do so. [ECF No. 3; R&R at 1.] Judge Schultz also recommends denying Pinson’s remaining motions [ECF Nos. 15, 18, 24, 32, and 47] as moot due to her failure to pay the required filing fee.

Pinson objects to the R&R’s recommendations on the basis that prison officials impeded her ability to pay the filing fee. [See ECF No. 53 at 1-2.] The Court has conducted a *de novo* review of Pinson’s objections pursuant to 28 U.S.C. § 636(b)(1)(C) and D. Minn. LR 72.1(c)(2). Pinson’s objections do little to challenge the sound legal reasoning of Judge Schultz, who concluded that since Pinson cannot proceed under an IFP in the litigation, the filing-fee requirement cannot be waived on the grounds that she has “no assets and no means” by which to pay it. (R&R at 1.) Judge Schultz extended the deadline multiple

times on Pinson's allegations (denied by the Federal Bureau of Prisons) that she was blocked access to an organization that aids prisoners. (R&R at 1.) This action has been pending nine months without payment of the requisite fee. (*Id.*) Upon a *de novo* review, the Court overrules the objections and adopts the report and recommendation of Judge Schultz.

Based on the foregoing records, files, and proceedings herein, the Court OVERRULES Plaintiff's objections [ECF No. 53] and ACCEPTS Judge Schultz's R&R. [ECF No. 48.] IT IS HEREBY ORDERED THAT:

1. Plaintiff Jeremy Pinson's Motion to Appoint Counsel [ECF No. 15], Motion to Reconsider [ECF No. 18], Motion for Extension of Time [ECF No. 24], Motion for Subpoena's and Leave to Serve Via Clerk [ECF No. 32], and Appeal of Magistrate Judge Decision [ECF No. 47] are DENIED AS MOOT; and
2. The action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 14, 2019

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge